

REMARKS

The rejection of claims 1-10 as per page 2 paragraph 2 of the Office Action is respectfully traversed. In this instance the Examiner is objecting to the use of the term Chloramine-T. It is submitted that the use of the term Chloramine-T is proper as this term refers to a common name for sodium para-toluenesulfonchloramine. The term Chloramine-T has been in use for in excess of seventy five years.

It is submitted that it is proper to use a common chemical name for a compound, in claim language, provided that the name properly identifies the compound to one skilled in the art.

In this instance the term Chloramine-T properly defines sodium paratoluenesulfonchloramine. In this regard see the attached Appendix A which is photocopy of page 195 of the eighth edition of the condensed Chemical Dictionary. In view of the facts and Amendments as set forth it is respectfully requested that the set forth rejection of claims 1-10 be withdrawn.

The rejection of claim 11 based on the use of term Avanel S-74 is respectfully traversed. Claim 11 is meant to be a specific claim which is directed to a particular composition. Claim 11 is thought to be in compliance with 35 USC 112 as the claim will be interpreted in accordance with the specification. In this case in the specification at page 8 paragraph 4 the applicant defines to the best of his knowledge the chemical composition of Avanel S-74 and further defines the manufacture of Avanel S-74.

At page 3 paragraph 3 of the Office Action the Examiner questions the use of the terms nonionic and ionic. The Examiner further states that on page 10 of the specification that Avanel

S-94 is stated to be anionic. The applicants counsel can find no such reference on Page 10 of the specification clarification is requested.

The Examiners objection to use of the term an effective period of time is respectfully traversed. It is submitted that the Examiner under the guise of 35 USC 112 can not reject a claim because simple terms are not defined. In this instance anyone skilled in the art knows that in a stain removal situation one must give the stain removal agent time to work, i.e a housewife knows that one must soak the clothes to be cleaned or bleached in the bleaching agent for an effective period of time. Again every experienced housewife knows the effective time period can vary depending on the nature of the stain, again, i.e. the housewife knows that she must soak a fast blood stain for a longer period of time as is to be compared to a fresh blood stain which has not set.

The Examiners further statements relative to the terms an effective amount of a wetting agent and an effective amount of sodium potassium salt have been noted and are traversed. One skilled in the art is well aware that one only uses small amounts of a wetting agent, i.e. a person only uses a small amount of a liquid detergent when washing dishes and not the whole bottle of a liquid detergent. Further sodium and potassium phosphate salts are well known additives. Again one skilled in the art recognizes that only small effective amounts of these phosphate salts need to be utilized.

For the reasons as set forth above it is respectfully requested that the Examiners objections to the use of the terms an effective amount relative to time, wetting agents and phosphate salts, be reconsidered and withdrawn.

Referring to page 3 last paragraph the applicants comments are as follows, support for

from about 0.5 to about 1.0 weight percent Chloramine-T can be found at page 7 paragraph 4 of the specification. Support for from about 0.5 to about 1.0 weight percent of a nonionic wetting agent can be found at paragraph 4 page 8 of the specification. The Examiners comments relative to the percentages of the sodium phosphate component have been obviated by the amendment of claim 10 which in its amended form reflects an effective amount of sodium phosphate salt.

With the above set forth amendments to claims 1 and 10 all of the claims in the case are thought to be in condition for allowance.

The rejection on page 4 of the Office Action, of claims 1-9, under 35 USC 103 is respectfully traversed.

The rejection of claims 1-9 under 35 USC 103 as per pages 4-6 of the Office Action has been noted. The rejection is based on Copeland 175/138. The disclosures of these two Copeland references relate to commercial dishwashing compounds which are used to wash tableware. Tableware has a hard non porous surface.

The Examiners attention is directed to the fact that claim 1 has been amended to reflect the fact that the surface (item) being treated is a textile. All of the Examples of the subject application relate to stain removal on porous textiles. The applicant questions whether tableware stains are analogous. Tableware gets dirty, however, due to the fact that tableware is fired it has a durable non porous surface which does not stain.

The claims, amended, relates to a process for the removal of a stain from a porous, stainable textile surface. In the references cited by the Examiner, in support of her rejection under 35 USC 103, there is no disclosure of the use of Chloramine-T to remove stains from porous textile surfaces.

In fact there is no reference to the treatment of any porous surface, much less a textile surface. The disclosure of the cited references relates only to the treatment of non porous surfaces i.e tableware.

Further, the Examiners attention is directed to the fact that the commercial dishwashing compositions of the cited Copeland references incorporate harsh cleaning gents i.e. hypochlorites and bleach compositions which would make them totally unstable for use on textiles. If one were to place the harsh dishwasher components of the cited Copeland references on a stained piece of a colored textile, the stain may be removed however, the textile would be ruined. For example if a colored food service uniform which had a mustard stain were treated, in accordance with the teachings of the Copeland references, the mustard stain would be removed however, the uniform would be ruined as the area around the mustard stain would also be discolored, and hence unsightly.

The rejection of claims under USC 103 as being unpatentable over Ahmed '027 relates to a strong dishwashing compound for use on non porous tableware. In particular this disclosure seems to relate to the stabilization of a hypochlorite containing dishwasher cleaning compound with a bleach stabilizer.

The subject invention, as presently claimed, relates to stain removal on a porous textile surface.

The disclosure of Ahmed '027 does not relate to textiles, but instead only relates to non porous tableware . As to Chloramine-T at best one could say that the disclosure of Ahmed is a shotgun disclosure. Chloramine-T as an active chemical agent produces the Cl+ion. Many other chlorine based compounds produce the Cl+ion, the Cl+ion produced by Chloramine-T is very

mild. For Example, solutions of Chloramine-T can be applied to human skin with no ill effects.

In contrast, most bleach solutions cannot be applied to human skin without detrimental effects.

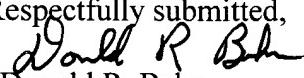
It is submitted that if this is a bar to the patentability of the present pending claims, it is a bar to all future patentability of claims which relate to uses for Chloramine -T.

In accordance with the applicable law of US chemical patent practice this cannot be true. The only thing that Ahmed '027 discloses is that Chloramine-T may produce the hypochlorite ion.

Because the present pending claims are limited to stain removal on textile surfaces, the unrelated disclosure of Ahmed '027 is not a bar to the issuance of these claims.

For the above set forth reasons it is respectfully requested that the rejection under 35 USC 103 be withdrawn.

If the Examiner has further comments or suggestions she is respectfully asked to call the applicant's counsel at (813) 962-0817.

Respectfully submitted,

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4/29/05

Date of Signature

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